

**Proposed Rule**  
LSA Document #13-564

**DIGEST**

Amends [405 IAC 9-4-6](#) to repeal the wait list requirement for the Healthy Indiana Plan. Effective 30 days after filing with the Publisher.

[IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses](#)

[405 IAC 9-4-6](#)

SECTION 1. [405 IAC 9-4-6](#) IS AMENDED TO READ AS FOLLOWS:

**[405 IAC 9-4-6](#) Enrollment limits**

**Authority:** [IC 12-15-44.2-19](#)

**Affected:** [IC 12-15-44.2](#)

Sec. 6. (a) The maximum enrollment of individuals who may participate in the plan is dependent upon:

- (1) state funding appropriated for the plan;
- (2) enrollment limits established in the federally approved waiver; and
- (3) compliance with applicable federal requirements.

(b) The division:

- (1) may cease accepting applications; and
- (2) shall stop enrolling new applicants;

when notified by the office that the plan has reached, or is expected to reach, maximum enrollment.

(c) An applicant who meets the eligibility requirements set forth in this rule may not enroll in the plan if the division has ceased enrolling new applicants as set forth in subsection (a).

(d) Persons who are members at the time enrollment limits have been reached shall not be denied the opportunity to renew their participation in the plan for the sole reason that the plan has reached maximum enrollment.

(e) A woman:

- (1) who is discontinued from the plan solely because of pregnancy; and
- (2) for whom health coverage has been transferred to Medicaid;

shall not be denied the opportunity to reapply for participation in the plan for the sole reason that the plan has reached maximum enrollment, if her date of application is not later than sixty (60) days after her pregnancy ends.

~~(f) The division shall maintain a record of childless adults denied enrollment in the plan when the plan has reached, or is expected to reach, the enrollment limit. This record shall be ordered according to the date and time an applicant was denied enrollment in the plan, with the applicant most recently denied enrollment in the plan appearing last.~~

~~(g) The office shall determine:~~

- ~~(1) if, and when, the division shall begin enrolling childless adults in the plan; and~~
- ~~(2) how many enrollment slots are available.~~

~~(h) The division shall notify a specified number of individuals, as determined by the office, when a decision is made by the office to open enrollment in the plan to childless adults. Individuals shall be notified in the order of their appearance on the record maintained by the division under subsection (f). The notification shall state that the individual may apply for an open enrollment slot.~~

~~(i) An individual invited to apply for an open enrollment slot must submit a completed application within forty five (45) days of notification. If the individual's application is not submitted within forty five (45) days of notification, the individual shall be removed from the record maintained by the division under subsection (f).~~

~~(j) With the exception of individuals invited to apply for an open enrollment slot, the division shall continue to deny applications until the office determines otherwise.~~

~~(Office of the Secretary of Family and Social Services; [405 IAC 9-4-6](#); filed Jun 16, 2008, 10:28 a.m.: [20080709-IR-405070648FRA](#); filed Jun 16, 2011, 8:50 a.m.: [20110713-IR-405100195FRA](#))~~

### [Notice of Public Hearing](#)

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